



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,093	07/24/2003	John Arnold Todd	15828-134004	4527

7590 01/08/2004  
Joshua A. Griswold  
FISH & RICHARDSON P.C.  
5000 BANK ONE CENTER  
1717 MAIN STREET  
DALLAS, TX 75201

EXAMINER

JACYNA, J CASIMER

ART UNIT	PAPER NUMBER
----------	--------------

3751

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/626,093

Applicant(s)

TODD, JOHN ARNOLD

Examiner

J. Casimer Jacyna

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-19 is/are allowed.
- 6) ☒ Claim(s) 6-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. In regard to the 37 CFR 1.75 objection and the 35 USC 112, first paragraph rejection in the Office Action mailed 2/24/2003 in parent application 10/290,849, as noted on the marked portions of the newly submitted copy of the specification, the specification discloses the use of a housing with an additional meter with valves and three supplies 32a-c as disclosed in the figures and on page 6, lines 15-19, page 9, line 16 to page 10, line 3 and page 11, line 20 to page 12, line 5. In regard to claim 16, the antecedent for the claim is disclosed on page 10, line 19, to page 11, line 6.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Burns (5,420,797). Burns discloses a fuel dispensing apparatus (see in particular figure 5) for transporting and delivering petroleum products to remotely located tanks (see col. 1, lines 18-63 of Burns), including a plurality of fuel sources 50, a delivery 96, a single meter that measures fuel from each source 84, a plurality of inlet valves 76-82 and a controlling device for the inlet valves 88-94.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3751

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns (5,420,797) in view of Stieber et al. (4,083,387), Bower (3,908,718), Wostl (3,814,148) and Sacco (2,980,294). Burns discloses a fuel dispensing apparatus (see in particular figure 5) for transporting and delivering petroleum products to remotely located tanks (see col. 1, lines 18-63 of Burns), substantially as claimed but does not disclose a nozzle at the end of the dispensing hose 96. However, Stieber, Bower, Wostl and Sacco teach fuel dispensing apparatus for transporting and delivering petroleum products to remotely located tanks other having a fuel nozzle (9 in Stieber (see col. 1, line 35), 50 in Bower (see claim 6 which defines 50 as a nozzle), 28 or 210 in Wostl and at the end of 8 in Sacco (see col. 3, lines 37-40)) at the end of the fuel hoses for the purpose of directing fuel into the receiving tank and thereby decrease fuel spillage, securing the hose to the receiving tank inlet to prevent the hose from disengaging from the fuel inlet and to automatically stop fueling when the receiving tank is full as is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the apparatus of Burns with nozzle as, for example, taught by Stieber, Bower, Wostl and Sacco in order to direct fuel into the receiving tank and thereby decrease fuel spillage, secure the hose to the receiving tank inlet to prevent the hose from disengaging from the fuel inlet and to automatically stop fueling when the receiving tank is full as is well known in the art.

6. Claims 9-19 are allowed.

Art Unit: 3751

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 703-308-1508. The examiner can normally be reached on Tue. thru Thu. 9AM-8PM, Fri. 7AM-1PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 703-308-2580. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

A handwritten signature in black ink, appearing to read "J. Casimer Jacyna", with a long, sweeping horizontal stroke extending to the right.

J. Casimer Jacyna  
Primary Examiner  
Art Unit 3751

JCJ